

IN RE: PETITION FOR SPECIAL HEARING
NE 1/2 of Winans Avenue, 25' SE
of the c/l of Magnolia Avenue
(1801 Winans Avenue)
13th Election District
1st Councilmanic District
Donna M. Clarke, et al
Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 90-367-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property as a three-apartment dwelling unit with an accessory structure (garage), all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Donna M. Clarke, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1801 Winans Avenue, consists of 7,000 sq. ft. zoned D.R. 5.5 and is improved with a dwelling and detached garage as depicted on Petitioner's Exhibit 1. Ms. Clarke testified that she and her former husband purchased the subject property in March, 1986 at which time the property was used and occupied as a three apartment dwelling unit. She testified that since the time of their purchase, the property has been used continuously and without interruption as a three apartment dwelling, other than for a change in tenants and renovations, and a period of time when Petitioners had established a fourth apartment. However, upon notice from the Zoning Office that Petitioners needed to establish a nonconforming use for the fourth apartment, the fourth apartment was removed and Petitioner has continued to use the property solely as three apartments. To support her request, Ms. Clarke submitted 14 affidavits from former residents and numerous neighbors of

the area which attest to the nonconforming use of the subject property as three apartments. The affidavit of Austin Chambers indicates that the subject dwelling was built as three apartments by his parents, Roland A. and Harriet E. Chambers in 1937. Further, the affidavit of Petitioner's father, Walter R. McKelvey indicates that he owned the subject property from 1962 to 1975 and that it was used during that time as a three apartment dwelling. Ms. Clarke testified that she has personal knowledge of the use of the property as a three apartment dwelling as she lived with her parents in one of the apartments during that time. Affidavits from numerous residents of the area were submitted to support the nonconforming use of the subject property as three apartments, including, but not limited to, the affidavit of Betty Link who resides across from the subject site, (see Petitioner's Exhibit 15), the affidavit of Catherine E. Riedel, who resides behind the subject property, (see Petitioner's Exhibit 5), and the affidavit of the Honorable John C. Coolahan, who resides on an adjoining street known as Magnolia Avenue (see Petitioner's Exhibit 7).

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. In this instance, the uncontradicted testimony is the dwelling has been used as a three apartment dwelling since its construction in 1937.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original

use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the use of the subject property as a three apartment dwelling has been continuous and without interruption since prior to the effective date of the zoning regulations, although for a brief period of time, the use was enlarged to an unauthorized four apartments. However, the fourth apartment use has ceased and the subject property is now limited to the permitted nonconforming use as three apartments.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of March, 1990 that the Petition for Special Hearing to approve the nonconforming use of the subject property as three apartments with an accessory structure (garage), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING

Date 3/29/90
By John J. Sullivan

ORDER RECEIVED FOR FILING

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By John J. Sullivan

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Date 3/29/90
By John J. Sullivan

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-367-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non-conforming use of a three-apartment dwelling and an accessory structure (garage).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Legal Owner(s):

Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
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Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Beginning on the northeast side of Winans Avenue, 50 feet wide, at the distance of 25 feet southeast of the centerline of Magnolia Avenue.
Being lot number 331, block 12, in the subdivision of Halethorpe, Book No. 1, Part 1-60. Also known as 1801 Winans Avenue containing .16 acre in the 13th Election District.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 21, 1990.

ARBUTUS TIMES

S. Zake Olson
Publisher

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13 Date of Posting: 2-26-90
Posted for: Special Hearing
Petitioner: Donna M. Clarke and Don L. Daughton
Location of property: N.E. 1/4 of Winans Avenue, 25' E of c/l of Magnolia Avenue, 1801 Winans Avenue, 13th Election District - 1st Councilmanic District
Location of Sign: Corner of 1801 Winans Avenue
Remarks: See above Date of return: 2-28-90
Posted by: J. Robert Haines Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number: 1820

Date: 3/21/90
PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$107.54
LAST NAME OF OWNER: CLARKE TOTAL: \$107.54

Cashier Validation:

B 8125*****10754** 3216F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DATE 3/5/90



Donna M. Clarke
1801 Winans Avenue
Baltimore, Maryland 21227

Re: Petition for Special Hearing
CASE NUMBER: 90-367-SPH
NE 1/4 of Winans Avenue, 25' E of c/l of Magnolia Avenue
1801 Winans Avenue
13th Election District - 1st Councilmanic District
Petitioner(s): Donna M. Clarke and Don L. Daughton
HEARING: WEDNESDAY, MARCH 21, 1990 at 2:00 p.m.

Dear Ms. Clarke:

Please be advised that \$ 107.54 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: File

February 5, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 90-367-SPH
NE/S of Winans Avenue, 25' E of c/l of Magnolia Avenue
1801 Winans Avenue
13th Election District - 1st Election District
Petitioner(s): Donna M. Clarke and Don L. Daughton
HEARING: MEMORANDUM, MARCH 21, 1990 at 2:00 p.m.

Special Hearings Nonconforming use of a three-apartment dwelling and an accessory structure (garage).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:sjs
cc: Donna M. Clarke
Don L. Daughton
File

To Whom It May Concerns:
I, Quayle Miller have resided in the Halethorpe Community at 1728 Winans Ave since 1952. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Quayle Miller
Signature
Feb 21, 1989
Date

Remarks:

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My commission expires July 1, 1990

To Whom It May Concerns:
I, Maryanne Menni have resided in the Halethorpe Community at 1734 Chelsea Ave since 1959. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Maryanne Menni
Signature
10/21/89
Date

Remarks:

Since we lived here the property in question has been used as a three apartment house.
M. E. B.

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My Commission expires July 1, 1990

To Whom It May Concerns:
I, EMMA B. MCINTYRE have resided in the Halethorpe Community at 1822 Winans Ave since 1941. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Emma B. McIntyre
Signature
12/11/89
Date

Remarks:

Notary:

To Whom It May Concerns:
I, CHARLOTTE AULT have resided in the Halethorpe Community at 1800 SELMA AVE since 1952. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Charlotte Ault
Signature
10/22/89
Date

Remarks:

The house in back of mind (1801 Winans) has always been used for more than a family dwelling. I have been here since 1952.

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My Commission expires July 1, 1990

To Whom It May Concerns:
I, J. R. C. C. C. C. have resided in the Halethorpe Community at 1801 Winans Ave since 1960. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

J. R. C. C. C.
Signature
10/22/89
Date

Remarks:

To Whom It May Concerns:

In 1937, my parents Roland A. and Harriet E. Chambers built and used 1801 Winans Avenue as a 3 (three) apartment dwellings.

Walter R. Chambers
Signature
10-22-89
Date

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My commission expires July 1, 1990

To Whom It May Concerns:

I, Catherine E. Riedel have resided in the Halethorpe Community at 1728 Selma Ave since 42. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Catherine E. Riedel
Signature
10-21-89
Date

Remarks:

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My Commission expires July 1, 1990

Zoning Commissioner
111 W. Chesapeake Ave.
Towson, Maryland 21204

To Whom It May Concerns:

I have lived on Winans Avenue for 30+ years and to the best of my recollection the property at 1801 Winans Avenue has always been a three (3) apartment dwelling.

Sincerely yours,

Emma B. McIntyre
Emma B. McIntyre

Kimberly A. McKelvey

My Commission expires July 1, 1990

To Whom It May Concerns:

In 1962, we bought 1801 Winans Avenue from Cirvin L. and Helen M. Bauhouser as a (3) three apartment dwelling, we sold it to Edward V. and Sue Ann Stivers as such in 1975.

Walter R. Chambers
Signature
10/19/89
Date

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My commission expires July 1990

To Whom It May Concerns:

I, Charles Wiley have resided in the Halethorpe Community at 1720 Selma Ave since 1949. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Charles Wiley
Signature
10-21-89
Date

Remarks:

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My commission expires July, 1990

My Commission expires July 1, 1990
Kimberly A. McKelvey
4612 Magnolia Ave
Baltimore, Md. 21227
(October 23, 1989)

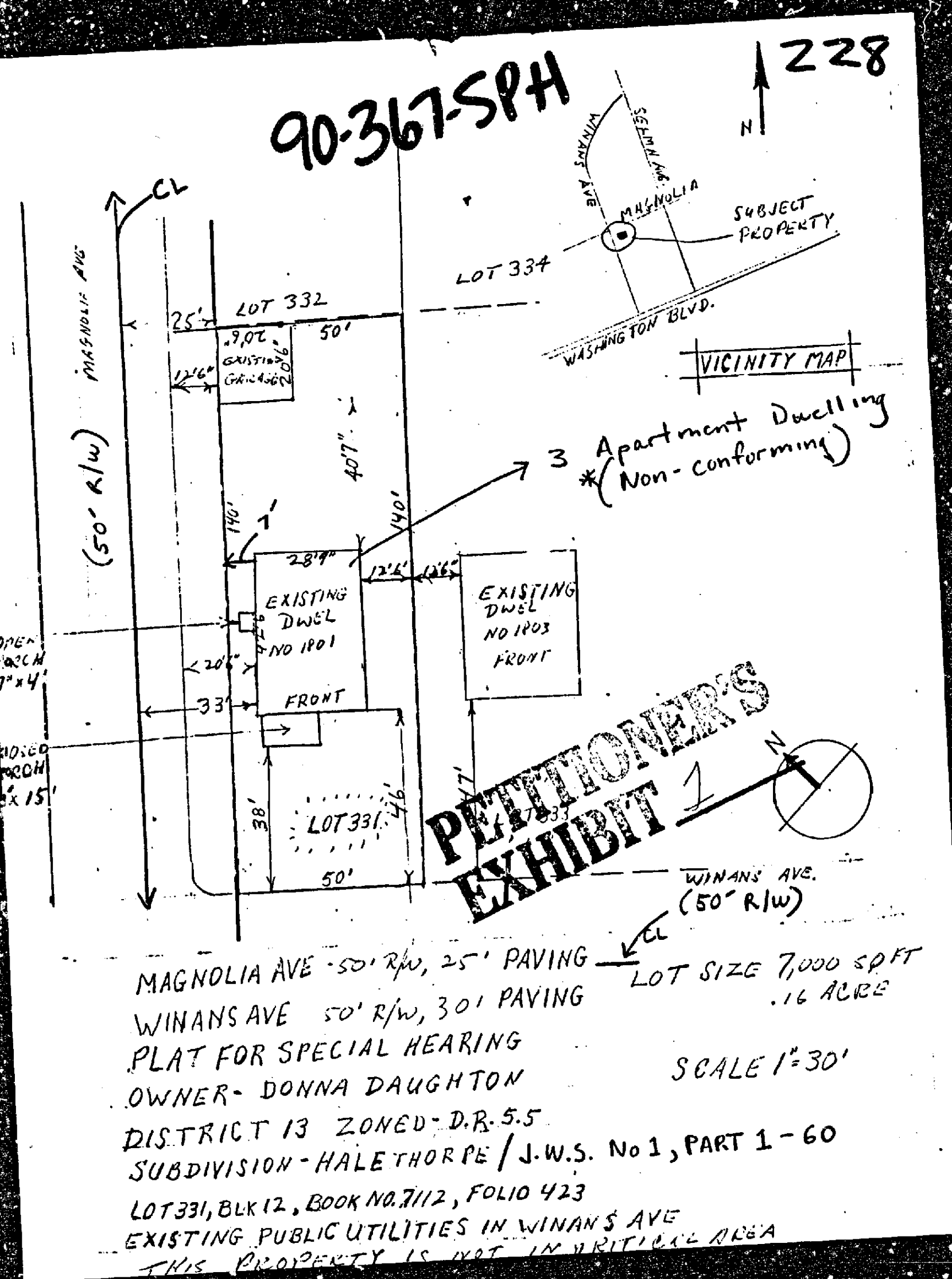
To Whom It May Concerns:

We, the undersigned, have resided at the above address for more than forty (40) years.

To the best of our knowledge and belief the residence known as 1801 Winans Ave, Baltimore, Md. 21204, has continually been utilized, and occupied, as a three (3) apartment dwelling.

About one and one-half years ago, however, that property was remodelled and changed to a four (4) apartment dwelling.

Walter R. Chambers
July 1, 1990



To Whom It May Concerns:

In 1937, my parents Roland A. and Harriet E. Chambers built and used 1801 Winans Avenue as a 3 (three) apartment dwelling.

Roland A. Chambers
Signature
Date 10-27-89

Kimberly A. McKelvey
Notary
My commission expires July 1, 1990

PETITIONER'S EXHIBIT 2

To Whom It May Concerns:

In 1962, we bought 1801 Winans Avenue from Girvin E. and Helen M. Rauhouser as a (3) three apartment dwelling, we sold it to Edward W. and Sue Ann Stivers as such in 1975.

Walter R. McKelvey
Signature
Date 10/19/89

Kimberly A. McKelvey
Notary
My commission expires July 1990

PETITIONER'S EXHIBIT 3

To Whom It May Concerns:

I, Robert N. Buckert have resided in the Halethorpe Community at 1807 Winans Ave since 1924. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Robert N. Buckert
Signature
Date 10-23-89

Remarks: In the last 1 1/2 hours has been rented as 4 apartments.

Notary:

Kimberly A. McKelvey
Notary
My Commission expires July 1, 1990

PETITIONER'S EXHIBIT 4

To Whom It May Concerns:

I, Catherine E. Rieder have resided in the Halethorpe Community at 1778 Silver Ave since 42. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Catherine E. Rieder
Signature
Date 10-21-1989

Remarks:

Kimberly A. McKelvey
Notary
My Commission expires July 1, 1990

PETITIONER'S EXHIBIT 5

To Whom It May Concerns:

In 1975, we bought 1801 Winans Avenue from Walter R. and Jaudine B. McKelvey as a (3) three apartment dwelling, we sold it to John V. and Deborah W. Goble in 1980 as a three apartment dwelling.

Edward W. Stivers
Signature
Date 10/24/89

Kimberly A. McKelvey
Notary
My commission expires July 1, 1990

PETITIONER'S EXHIBIT 6

To Whom It May Concerns:

I, John C. Orsakayan have resided in the Halethorpe Community at 4235 Magnolia Ave since 1960. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

John C. Orsakayan
Signature
Date 10/23/89

Remarks:

Notary:

Kimberly A. McKelvey
Notary
My Commission expires July 1, 1990

PETITIONER'S EXHIBIT 7

1822 Winans Avenue
Baltimore, MD 21227
October 23, 1989

Zoning Commissioner
111 W. Chesapeake Ave.
Towson, Maryland 21204

To Whom It May Concerns:

I have lived on Winans Avenue for 30+ years and to the best of my recollection the property at 1801 Winans Avenue has always been a three (3) apartment dwelling.

Sincerely yours,
Emma B. McIntyre
Emma B. McIntyre

Kimberly A. McKelvey

My Commission expires July 1, 1990

PETITIONER'S EXHIBIT 8

To Whom It May Concerns:
I, CHARLOTTE AULT have resided in the Halethorpe Community at 1800 SELMA AVE since 1952. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Charlotte Ault
Signature
Date 10/22/89

Remarks:

The house in back of mind (1801 Winans) has always been used for more than a family dwelling. I have been here since 1952.

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 9

To Whom It May Concerns:
I, Marge Nucci have resided in the Halethorpe Community at 1734 Selma Ave since 1959. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Marge Nucci
Signature
Date 10/21/89

Remarks:

Since we lived here the property in question has been used as a three apartment house. D.E.N.

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 10

To Whom It May Concerns:
I, Ray L. Miller have resided in the Halethorpe Community at 1708 Selma Ave since 1957. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Ray L. Miller
Signature
Date Oct 21, 1989

Remarks:

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My commission expires July 1, 1990

PETITIONER'S
EXHIBIT 11

To Whom It May Concerns:

I, Edward J. Johnson have resided in the Halethorpe Community at 1757 Winans Ave since 1956. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Edward Johnson
Signature
Date 10-23-89

Remarks:

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 12

To Whom It May Concerns:
I, Elaine Whig have resided in the Halethorpe Community at 1136 Selma Ave since 1949. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Elaine Whig
Signature
Date 10-21-89

Remarks:

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My commission expires July, 1990

PETITIONER'S
EXHIBIT 13

To Whom It May Concerns:
I, LINNEE SIEGEL have resided in the Halethorpe Community at 1803 SELMA AVENUE since 1948. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Linnee Siegel
Signature
Date 23 OCTOBER '89

Remarks:

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 14

My Commission Expires July 1, 1990

Kimberly A. McKelvey 4612 Spalding Ave
Baltimore, Md. 21227
October 23, 1989

To Whom It May Concerns:

PETITIONER'S
EXHIBIT 15

We, the undersigned, have resided at the above address for more than forty (40) years.

To the best of our knowledge and belief the residence known as 1801 Winans Ave, Baltimore, Md. 21227, has continuously been utilized, and occupied, as a three (3) apartment dwelling.

About one and one-half years ago, however, that property was remodeled and changed to a four (4) apartment dwelling.

M. McKelvey
Ray R. Vink

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 13, 1990



Dennis F. Rasmussen
County Executive

Ms. Donna Clarke
555 Gayland Road
Baltimore, MD 21227

RE: Item No. 228, Case No. 90-367-SPd
Petitioner: Donna Clarke, et al
Petition for Special Hearing

Dear Ms. Clarke:
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plan that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
7th day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Donna M. Clarke, et al

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: February 1, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Donna M. Clarke, Item 228

The Petitioner requests a Special Hearing to determine the non-conforming status of a three-apartment dwelling and an accessory structure.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 07 1990

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

February 1, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DONNA M. CLARKE AND DON L. DAUGHTON
Location: NE/S OF WINANS AVENUE
Item No.: 228 Zoning Agenda: FEBRUARY 6, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Ch. W. Kelly* 2-1-90 Noted and Approved *Ch. W. Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

FEB 1 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 6, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 157, 219, 223, 226, 227, 228, 230, 232, 233 and 234. In addition, we have no comments for Item 176-Perry Hall Square, and Item 162-Kelso Research Park.

89-471-SPHXA - Exxon Service Center is subject to County Review Group comments previously submitted on December 20, 1989.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 29, 1990



Dennis F. Rasmussen
County Executive

Ms. Donna M. Clarke
1801 Winans Avenue
Baltimore, Maryland 21227

RE: PETITION FOR SPECIAL HEARING
RE/S of Winans Avenue, 25' SE of the c/l of Magnolia Avenue
(1801 Winans Avenue)
13th Election District - 1st Councilmanic District
Donna M. Clarke, et al - Petitioners
Case No. 90-367-SPH

Dear Ms. Clarke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PLAN OF THE SUBDIVISION OF THE
HALL AND SMITH FARMS

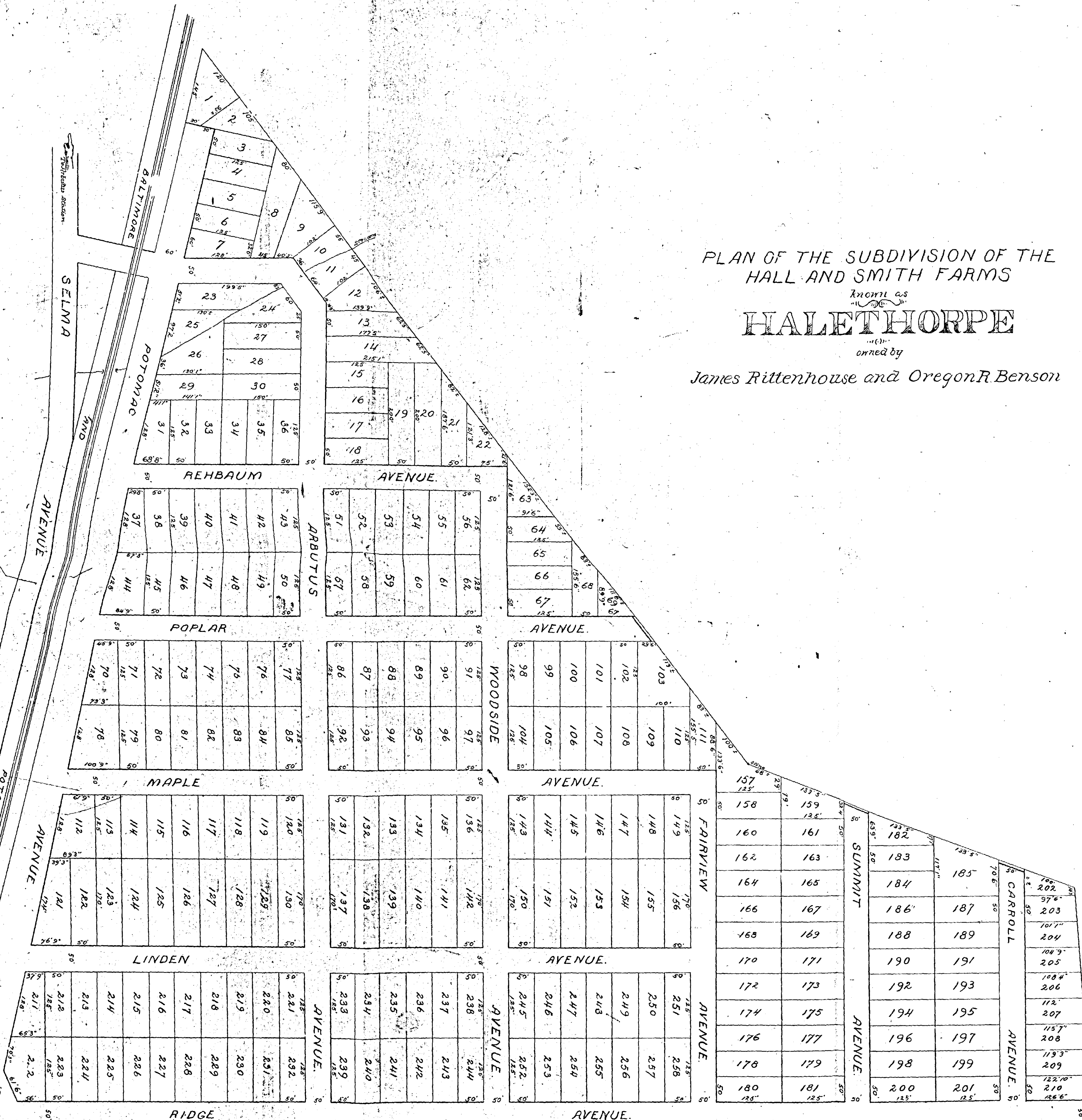
known as
HALETHORPE

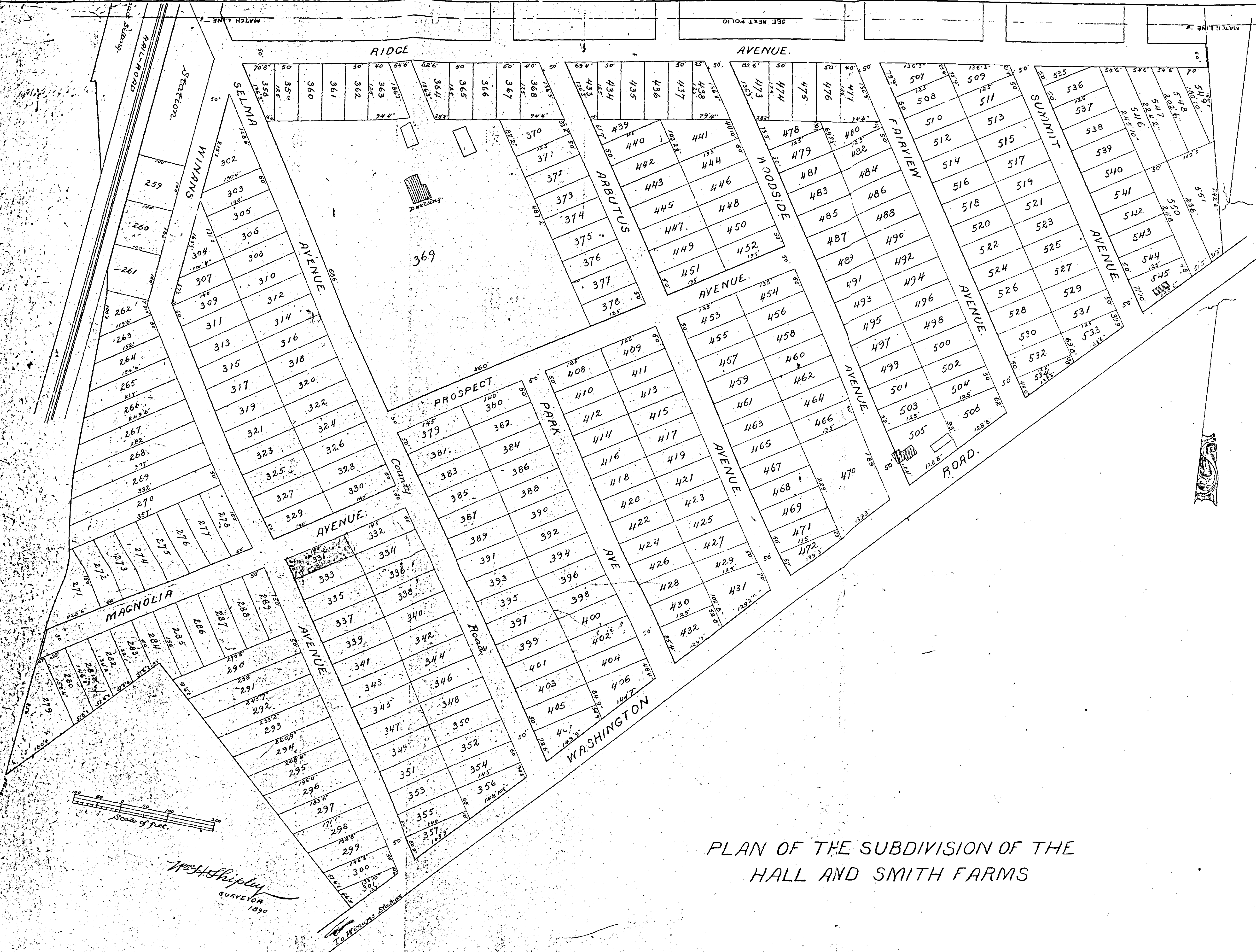
owned by

James Rittenhouse and Oregon R. Benson

90-367-SPA

228





PLAN OF THE SUBDIVISION OF THE
HALL AND SMITH FARMS

Owned by
James Rittenhouse and Oregon R. Benson.

IN RE: PETITION FOR SPECIAL HEARING
NE 1/2 of Winans Avenue, 25' SE
of the c/l of Magnolia Avenue
(1801 Winans Avenue)
13th Election District
1st Councilmanic District
Donna M. Clarke, et al
Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 90-367-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property as a three-apartment dwelling unit with an accessory structure (garage), all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Donna M. Clarke, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1801 Winans Avenue, consists of 7,000 sq. ft. zoned D.R. 5.5 and is improved with a dwelling and detached garage as depicted on Petitioner's Exhibit 1. Ms. Clarke testified that she and her former husband purchased the subject property in March, 1986 at which time the property was used and occupied as a three apartment dwelling unit. She testified that since the time of their purchase, the property has been used continuously and without interruption as a three apartment dwelling, other than for a change in tenants and renovations, and a period of time when Petitioners had established a fourth apartment. However, upon notice from the Zoning Office that Petitioners needed to establish a nonconforming use for the fourth apartment, the fourth apartment was removed and Petitioner has continued to use the property solely as three apartments. To support her request, Ms. Clarke submitted 14 affidavits from former residents and numerous neighbors of

the area which attest to the nonconforming use of the subject property as three apartments. The affidavit of Austin Chambers indicates that the subject dwelling was built as three apartments by his parents, Roland A. and Harriet E. Chambers in 1937. Further, the affidavit of Petitioner's father, Walter R. McKelvey indicates that he owned the subject property from 1962 to 1975 and that it was used during that time as a three apartment dwelling. Ms. Clarke testified that she has personal knowledge of the use of the property as a three apartment dwelling as she lived with her parents in one of the apartments during that time. Affidavits from numerous residents of the area were submitted to support the nonconforming use of the subject property as three apartments, including, but not limited to, the affidavit of Betty Link who resides across from the subject site, (see Petitioner's Exhibit 15), the affidavit of Catherine E. Riedel, who resides behind the subject property, (see Petitioner's Exhibit 5), and the affidavit of the Honorable John C. Coolahan, who resides on an adjoining street known as Magnolia Avenue (see Petitioner's Exhibit 7).

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. In this instance, the uncontradicted testimony is the dwelling has been used as a three apartment dwelling since its construction in 1937.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original

use, the current use of the property shall not be considered non-conforming. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

McKenny v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the use of the subject property as a three apartment dwelling has been continuous and without interruption since prior to the effective date of the zoning regulations, although for a brief period of time, the use was enlarged to an unauthorized four apartments. However, the fourth apartment use has ceased and the subject property is now limited to the permitted nonconforming use as three apartments.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of March, 1990 that the Petition for Special Hearing to approve the nonconforming use of the subject property as three apartments with an accessory structure (garage), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date 3/29/90
By John J. Sullivan

ORDER RECEIVED FOR FILING
Date 3/29/90
By John J. Sullivan

ORDER RECEIVED FOR FILING
Date 3/29/90
By John J. Sullivan

ORDER RECEIVED FOR FILING
Date 3/29/90
By John J. Sullivan

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-367-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non-conforming use of a three-apartment dwelling and an accessory structure (garage).

Property is to be posted and advertised as prescribed by Zoning Regulations. I, we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Legal Owner(s):

Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Attorney for Petitioner:

Donna M. Clarke
(Type or Print Name)
Donna M. Clarke
Signature

Address
1801 Winans Ave.
City and State
Baltimore, Md 21227

City and State

City and State

City and State

City and State

City and State

City and State

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CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 21, 1990.

ARBUTUS TIMES

S. Zake Olson
Publisher

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13 Date of Posting: 2-26-90
Posted for: Special Hearing
Petitioner: Donna M. Clarke and Don L. Daughton
Location of property: N.E. 1/2 of Winans Avenue, 25' E of c/l of Magnolia Avenue, 1801 Winans Avenue, 13th Election District - 1st Councilmanic District
Location of Sign: Corner of 1801 Winans Avenue
Remarks: A.D. Clarke
Posted by: A.D. Clarke Date of return: 3-2-90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number: 1820

Date: 3/21/90

PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$107.54
TOTAL: \$107.54

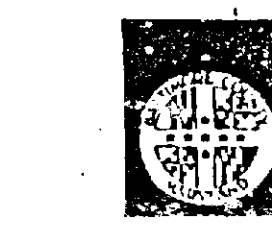
LAST NAME OF OWNER: CLARKE

Cashier Validation:

B 8125*****10754: 3216F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DATE: 3/5/90



Donna M. Clarke
1801 Winans Avenue
Baltimore, Maryland 21227

Re: Petition for Special Hearing
CASE NUMBER: 90-367-SPH
NE 1/2 of Winans Avenue, 25' E of c/l of Magnolia Avenue
1801 Winans Avenue
13th Election District - 1st Councilmanic District
Petitioner(s): Donna M. Clarke and Don L. Daughton
HEARING: WEDNESDAY, MARCH 21, 1990 at 2:00 p.m.

Dear Ms. Clarke:

Please be advised that \$ 107.54 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

February 5, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 90-367-SPH
NE/S of Winans Avenue, 25' E of c/l of Magnolia Avenue
1801 Winans Avenue
13th Election District - 1st Election District
Petitioner(s): Donna M. Clarke and Don L. Daughton
HEARING: MEMORANDUM, MARCH 21, 1990 at 2:00 p.m.

Special Hearings Nonconforming use of a three-apartment dwelling and an accessory structure (garage).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:sjs
cc: Donna M. Clarke
Don L. Daughton
File

To Whom It May Concerns:
I, Quayle Miller have resided in the Halethorpe Community at 1728 Winans Ave since 1957. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Quayle Miller
Signature
Feb 21, 1989
Date

Remarks:

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My commission expires July 1, 1990

To Whom It May Concerns:
I, Maryanne Menni have resided in the Halethorpe Community at 1734 Chelsea Ave since 1959. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Maryanne Menni
Signature
10/21/89
Date

Remarks:

Since we lived here the property in question has been used as a three apartment house.
M. E. B.

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My Commission expires July 1, 1990

To Whom It May Concerns:
I, EMMA B. MCINTYRE have resided in the Halethorpe Community at 1822 Winans Ave since 1941. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Emma B. McIntyre
Signature
12/11/89
Date

Remarks:

Notary:

To Whom It May Concerns:
I, CHARLOTTE AULT have resided in the Halethorpe Community at 1800 SELMA AVE since 1952. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Charlotte Ault
Signature
10/22/89
Date

Remarks:

The house in back of mind (1801 Winans) has always been used for more than a family dwelling. I have been here since 1952.

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My Commission expires July 1, 1990

To Whom It May Concerns:
I, J. R. C. C. C. C. have resided in the Halethorpe Community at 1801 Winans Ave since 1960. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

J. R. C. C. C.
Signature
10/22/89
Date

Remarks:

To Whom It May Concerns:

In 1937, my parents Roland A. and Harriet E. Chambers built and used 1801 Winans Avenue as a 3 (three) apartment dwellings.

Walter R. McKelvey
Signature
10-22-89
Date

Walter R. McKelvey
Notary
Walter R. McKelvey
My commission expires July 1, 1990

To Whom It May Concerns:

I, Catherine E. Riedel have resided in the Halethorpe Community at 1728 Selma Ave since 42. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Catherine E. Riedel
Signature
10-21-1989
Date

Remarks:

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My Commission expires July 1, 1990

Zoning Commissioner
111 W. Chesapeake Ave.
Towson, Maryland 21204

To Whom It May Concerns:

I have lived on Winans Avenue for 30+ years and to the best of my recollection the property at 1801 Winans Avenue has always been a three (3) apartment dwelling.

Sincerely yours,

Emma B. McIntyre
Emma B. McIntyre

Kimberly A. McKelvey

My Commission expires July 1, 1990

To Whom It May Concerns:

In 1962, we bought 1801 Winans Avenue from Cirvin L. and Helen M. Bauhouser as a (3) three apartment dwelling, we sold it to Edward V. and Sue Ann Stivers as such in 1975.

Walter R. McKelvey
Signature
10/19/89
Date

Walter R. McKelvey
Notary
Walter R. McKelvey
My commission expires July 1990

To Whom It May Concerns:

I, Charles Wiley have resided in the Halethorpe Community at 1720-1724 Ave since 1949. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Charles Wiley
Signature
10-21-89
Date

Remarks:

Notary:

Kimberly A. McKelvey
Notary
Kimberly A. McKelvey
My commission expires July, 1990

My Commission expires July 1, 1990

Kimberly A. McKelvey
Signature
10/22/89
Date

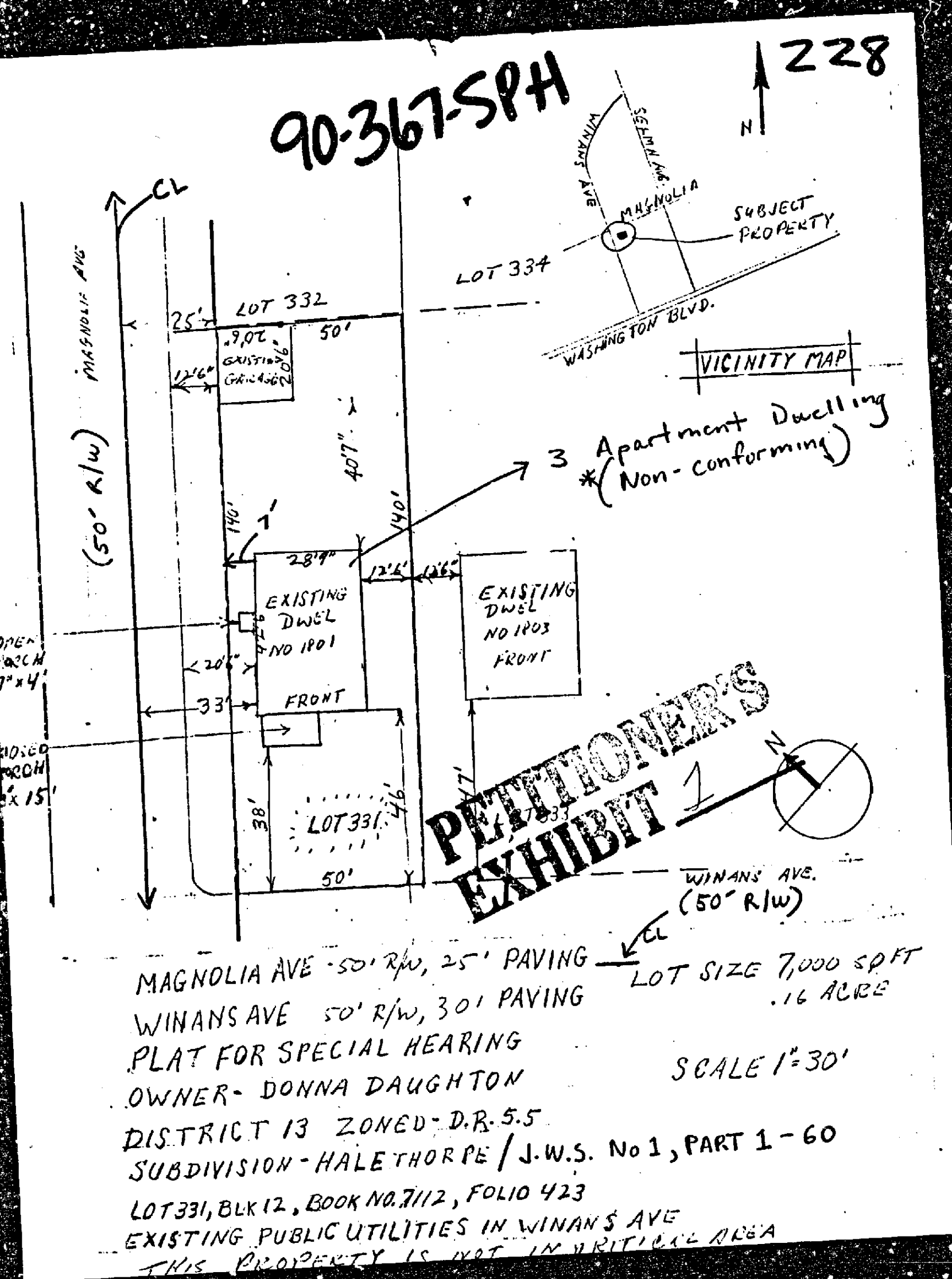
To Whom It May Concerns:

We, the undersigned, have resided at the above address for more than forty (40) years.

To the best of our knowledge and belief the residence known as 1801 Winans Ave., Baltimore, Md. 21204, has continually been utilized, and occupied, as a three (3) apartment dwelling.

About one and one-half years ago, however, that property was remodelled and changed to a four (4) apartment dwelling.

Walter R. McKelvey
Signature



To Whom It May Concerns:

In 1937, my parents Roland A. and Harriet E. Chambers built and used 1801 Winans Avenue as a 3 (three) apartment dwelling.

Roland A. Chambers
Signature
Date 10-27-89

Kimberly A. McKelvey
Notary
My commission expires July 1, 1990

PETITIONER'S
EXHIBIT 2

To Whom It May Concerns:

In 1962, we bought 1801 Winans Avenue from Girvin E. and Helen M. Rauhouser as a (3) three apartment dwelling. we sold it to Edward W. and Sue Ann Stivers as such in 1975.

Walter R. McKelvey
Signature
Date 10/19/89

Kimberly A. McKelvey
Notary
My commission expires July 1990

PETITIONER'S
EXHIBIT 3

To Whom It May Concerns:

I, Robert N. Buckert have resided in the Halethorpe Community at 1807 Winans Ave since 1924. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Robert N. Buckert
Signature
Date 10-23-89

Remarks: In the last 1 1/2 hours has been rented as 4 apartments.

Notary:

Kimberly A. McKelvey
Notary
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 4

To Whom It May Concerns:

I, Catherine E. Rieder have resided in the Halethorpe Community at 1778 Silver Ave since 42. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Catherine E. Rieder
Signature
Date 10-21-1989

Remarks:

Kimberly A. McKelvey
Notary
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 5

To Whom It May Concerns:

In 1975, we bought 1801 Winans Avenue from Walter R. and Jaudine B. McKelvey as a (3) three apartment dwelling, we sold it to John V. and Deborah W. Goble in 1980 as a three apartment dwelling.

Edward W. Stivers
Signature
Date 10/24/89

Kimberly A. McKelvey
Notary
My commission expires July 1, 1990

PETITIONER'S
EXHIBIT 6

To Whom It May Concerns:

I, John C. Orsakayan have resided in the Halethorpe Community at 4235 Magnolia Ave since 1960. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

John C. Orsakayan
Signature
Date 10/23/89

Remarks:

Notary:

Kimberly A. McKelvey
Notary
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 7

1822 Winans Avenue
Baltimore, MD 21227
October 23, 1989

Zoning Commissioner
111 W. Chesapeake Ave.
Towson, Maryland 21204

To Whom It May Concerns:

I have lived on Winans Avenue for 30+ years and to the best of my recollection the property at 1801 Winans Avenue has always been a three (3) apartment dwelling.

Sincerely yours,
Emma B. McIntyre
Emma B. McIntyre

Kimberly A. McKelvey

My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 8

To Whom It May Concerns:
I, CHARLOTTE AULT have resided in the Halethorpe Community at 1800 SELMA AVE since 1952. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Charlotte Ault
Signature
Date 10/22/89

Remarks:

The house in back of mind (1801 Winans) has always been used for more than a family dwelling. I have been here since 1952.

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 9

To Whom It May Concerns:
I, Marge Pucci have resided in the Halethorpe Community at 1734 Selma Ave since 1959. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Marge Pucci
Signature
Date 10/21/89

Remarks:

Pucci One lived here the property in question has been used as a three apartment house. D.E.N.

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 10

To Whom It May Concerns:
I, Ray L. Miller have resided in the Halethorpe Community at 1708 Selma Ave since 1957. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Ray L. Miller
Signature
Date Oct 21, 1989

Remarks:

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My commission expires July 1, 1990

PETITIONER'S
EXHIBIT 11

To Whom It May Concerns:

I, Edward J. Johnson have resided in the Halethorpe Community at 1757 Winans Ave since 1956. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Edward Johnson
Signature
Date 10-23-89

Remarks:

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 12

To Whom It May Concerns:
I, Elaine Whig have resided in the Halethorpe Community at 1136 Selma Ave since 1949. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Elaine Whig
Signature
Date 10-21-89

Remarks:

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My commission expires July, 1990

PETITIONER'S
EXHIBIT 13

To Whom It May Concerns:
I, LINNEE SIEGEL have resided in the Halethorpe Community at 1803 SELMA AVENUE since 1948. To the best of my knowledge 1801 Winans Avenue was built for and has consistently been used as a (3) three apartment dwelling.

Linnee Siegel
Signature
Date 23 OCTOBER '89

Remarks:

Notary:

Kimberly A. McKelvey
Notary Kimberly A. McKelvey
My Commission expires July 1, 1990

PETITIONER'S
EXHIBIT 14

My Commission Expires July 1, 1990

Kimberly A. McKelvey 4612 Spindale Ave
Baltimore, Md. 21227
October 23, 1989

To Whom It May Concerns:

We, the undersigned, have resided at the above address for more than forty (40) years.

To the best of our knowledge and belief the residence known as 1801 Winans Ave, Baltimore, Md. 21227, has continuously been utilized, and occupied, as a three (3) apartment dwelling.

About one and one-half years ago, however, that property was remodeled and changed to a four (4) apartment dwelling.

M. Siegel
Ray R. Siegel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 13, 1990



Dennis F. Rasmussen
County Executive

Ms. Donna Clarke
555 Gayland Road
Baltimore, MD 21227

RE: Item No. 228, Case No. 90-367-SPd
Petitioner: Donna Clarke, et al
Petition for Special Hearing

Dear Ms. Clarke:
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plan that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
7th day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Donna M. Clarke, et al

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: February 1, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Donna M. Clarke, Item 228

The Petitioner requests a Special Hearing to determine the non-conforming status of a three-apartment dwelling and an accessory structure.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 07 1990

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

February 1, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DONNA M. CLARKE AND DON L. DAUGHTON
Location: NE/S OF WINANS AVENUE
Item No.: 228 Zoning Agenda: FEBRUARY 6, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Ch. H. Kelly* 2-1-90 Noted and Approved *Ch. H. Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

FEB 1 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 6, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 157, 219, 223, 226, 227, 228, 230, 232, 233 and 234. In addition, we have no comments for Item 176-Perry Hall Square, and Item 162-Kelso Research Park.

89-471-SPHXA - Exxon Service Center is subject to County Review Group comments previously submitted on December 20, 1989.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 29, 1990



Dennis F. Rasmussen
County Executive

Ms. Donna M. Clarke
1801 Winans Avenue
Baltimore, Maryland 21227

RE: PETITION FOR SPECIAL HEARING
RE/S of Winans Avenue, 25' SE of the c/l of Magnolia Avenue
(1801 Winans Avenue)
13th Election District - 1st Councilmanic District
Donna M. Clarke, et al - Petitioners
Case No. 90-367-SPH

Dear Ms. Clarke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

PLAN OF THE SUBDIVISION OF THE
HALL AND SMITH FARMS

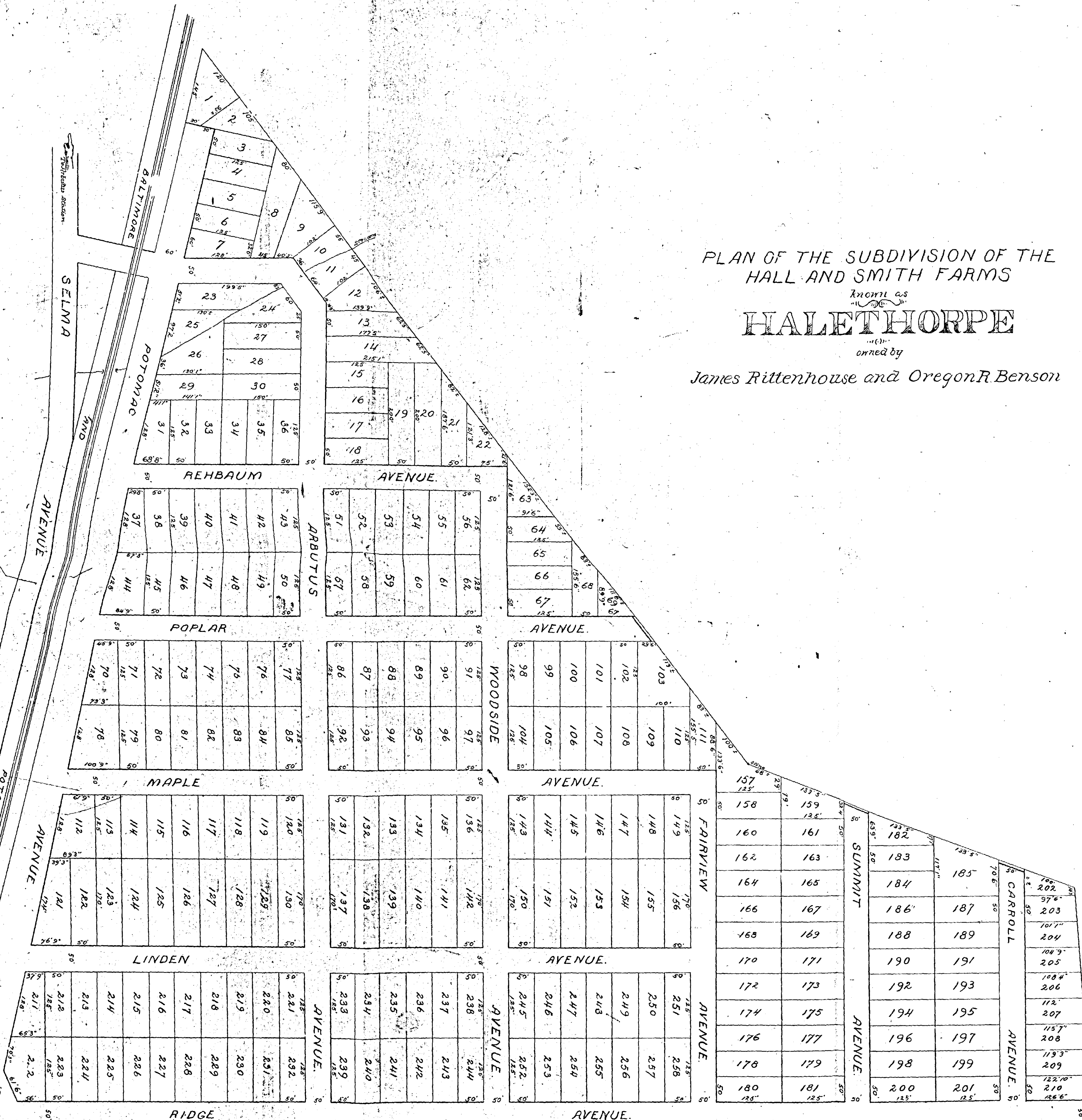
known as
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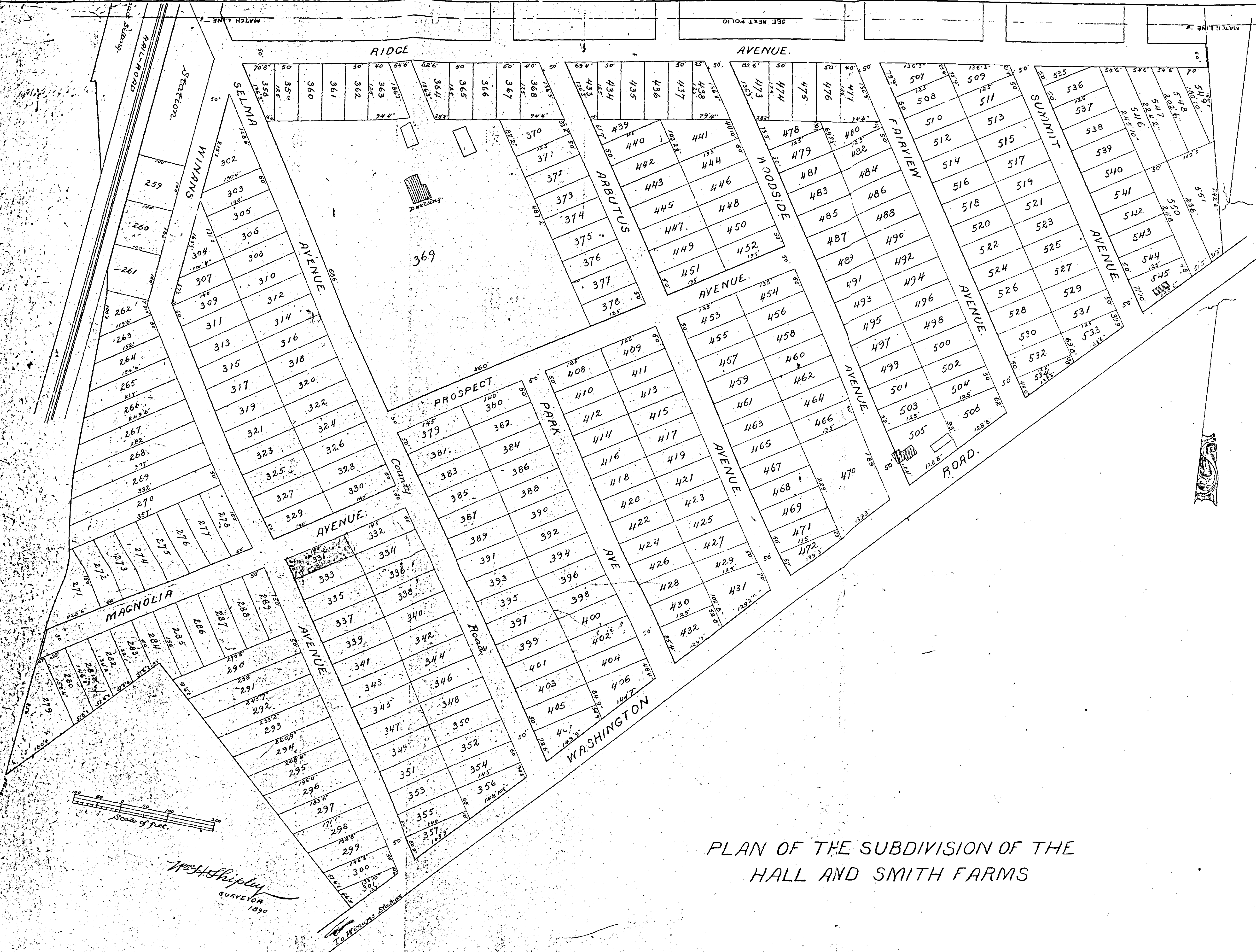
owned by

James Rittenhouse and Oregon R. Benson

90-367-SPA

228





PLAN OF THE SUBDIVISION OF THE
HALL AND SMITH FARMS

Owned by
James Rittenhouse and Oregon R. Benson.